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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------|-------------|----------------------|-------------------------|------------------|
| 10/668,700 | 09/23/2003 | Walker Butler | DC.1006US | 2193 |
| 7590 01/18/2006 | | | EXAMINER | |
| Don J. Carnegie | | | ALSOMIRI, ISAM A | |
| Suite 5A #540 5405 Alton Parkway | | | ART UNIT | PAPER NUMBER |
| Irvine, CA 92604 | | | 3662 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary 10/668,700 BUTLER ET AL Examiner Safe2 Safe2 Safe2 Safe2 | | Application No. | Applicant(s) |
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| ### Description of Claims Examiler | | | |
| Sam Alsomini Sam | Office Action Summary | | |
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| This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. sposition of Claims 4) Claim(s) 1-15 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are rejected. 7) Claim(s) is/are rejected to is/are rejected to is/are objected to . 8) Claim(s) is/are objected to . 8) Claim(s) is/are subject to restriction and/or election requirement. Poplication Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Interior that or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 2) All b) Some * c) None of: 1 Certified copies of the priority documents have been received in Application No 2 Copies of the certified copies of the priority documents have been received in Application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. | WHICHEVER IS LONGER, FROM THE MAILIN - Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communicatio - If NO period for reply is specified above, the maximum statutory p - Faiture to reply within the set or extended period for reply will, by s Any reply received by the Office later than three months after the | G DATE OF THIS COMN FR 1.136(a). In no event, however, rn. eriod will apply and will expire SIX (6 statute, cause the application to become | IUNICATION. nay a reply be timely filed) MONTHS from the mailing date of this communication. me ABANDONED (35 U.S.C. § 133). |
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DETAILED ACTION

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Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, 7-11, and 15, drawn to a surveillance system, classified in class 342, subclass 357.01+.
- II. Claims 6, 12-13, and 14, drawn to an Identification Friend or Foe (IFF) unit, classified in class 342, subclass 45.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because any type of IFF unit can be used with the combination. The subcombination has separate utility such as a IFF unit with specific command signals.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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Invention I above is further restricted as follows:

III. Claims 1-5 and 15, drawn to a surveillance unit including an IFF unit responsive to surveillance signals exceeding a predetermined power level, classified in class 342, subclass 44.

IV. Claims 7-11 and 15, drawn to surveillance unit including an IFF unit which broadcasts repeatedly at predetermined times messages, classified in class 342, subclass 357.09.

NOTE: claim 15 is generic to both groups III and IV.

Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as detecting a power level of a surveillance signal. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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Group II above is further restricted as follows:

V. Claim 6, drawn to an IFF unit including a radar signal detector responds to surveillance radar main beam and generates commands to transmit data, classified in class 342, subclass 73+.

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- VI. Claims 12-13, drawn to an IFF unit including a transmit controller compares the current time with predetermined times of transmission stored in memory to generate commands to transmit data, classified in class 342, subclass 88.
- VII. Claim 14, drawn to an IFF unit including a bi-directional communication device responds to a received commands and broadcasts a messages, classified in class 342, subclass 45.

Inventions V, VI, and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case: invention V has separate utility such as a radar signal detector responds to surveillance radar main beam and generates commands to transmit data; invention VI has separate utility such as a transmit controller compares the current time with predetermined times of transmission stored in memory to generate commands to transmit data; and invention VII has separate utility such as a bi-directional communication device responds to a received commands and broadcasts a messages. See MPEP § 806.05(d).

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isam Alsomiri whose telephone number is 571-272-6970. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isam Alsomiri

January 12, 2006

THOMAS H. TARCZA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600